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3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

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6 UNITED STATES OF AMERICA,

7 Plaintiff,

8 v.

9 ROBERT ALAN COLEMAN,

10 Defendant.  
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Case No. 2:16-cr-00265-GMN-CWH

**ORDER**

12 Presently before the court is defendant Robert Alan Coleman's ex parte motion for the  
13 appointment of counsel (ECF No. 688), filed on July 23, 2018. Coleman moves the court to  
14 appoint Thomas A. Ericcson, Esq., defense counsel's law partner, to assist in the defense of this  
15 case. The court declines to consider defendant's motion for second counsel on an ex parte basis.

16 The United States Constitution entitles criminal defendants to the assistance of counsel.  
17 US Const. Amend. VI. Accordingly, the Criminal Justice Act directs district courts to appoint  
18 counsel for criminal defendants "financially unable to obtain adequate representation." 18 U.S.C.  
19 § 3006A(a). While there is no constitutional provision entitling a criminal defendant to more than  
20 one attorney, statutory law permits the assignment of learned counsel in limited circumstances.  
21 18 U.S.C § 3005. Learned counsel may be appointed upon the defendant's request if the  
22 defendant is indicted for treason or a capital crime. *Id.*

23 The court finds that there is no adequate justification to appoint additional counsel.  
24 Coleman was indicted on one count of conspiracy to participate in a racketeering enterprise in  
25 violation of 18 U.S.C. § 1962(d). (ECF No. 13.) Defendant argues that the complexity of the  
26 case, the amount of discovery, and defense counsel's caseload warrants the appointment of co-  
27 counsel. Defendant's arguments do not provide a cognizable basis to appoint additional counsel  
28 under the Criminal Justice Act. *See* 18 U.S.C. § 3005. Given that defendant was not indicted for

1 a capital crime or treason, the court will deny defendant's motion for additional appointed  
2 counsel. Further, the clerk of court must serve defendant Coleman's motion (ECF No. 688) on  
3 the government.

4 IT IS THEREFORE ORDERED that defendant's ex parte motion (ECF No. 688) is  
5 DENIED.

6 IT IS FURTHER ORDERED that the clerk must serve defendant's motion (ECF No. 688)  
7 on the government.

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9 DATED: August 20, 2018

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12 C.W. HOFFMAN, JR.  
13 UNITED STATES MAGISTRATE JUDGE  
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